IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 14195 of 2005

Between:

Smt. Mamidisetty Kanakamma W/o Late Venumadhav
R/o H. No. 4-71, Survey No. 915,

Gangadhara (Vilage & Mandal) Karimnagar District

..... PETITIONER

AND

1 The Mandal Revenue Officer,

Gangadhara, Karimnagar District
2 The Revenue Divisional Officer, Karimnagar
3 The Collector, Karimnagar District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the first respondent in issuing No. 4-71 Survey No. 915, Gangadhara Vilalge and Mandal, Karimnagar District despite the order from this Hon'ble Court in WP NO. 2364 of 2005 as arbitrary, illegal and set a side the same and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.S.SATYAM REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following:

ORDER:

Seeking a Writ of Mandamus, declaring the action of the

1st respondent in issuing the impugned order bearing No.B/367/2004, dated 27.07.2005 trying to evict the petitioner from the premises bearing No.4-71, Survey No.915, Gangadhara village and Mandal, Karimnagar District, despite the order from this Court in W.P.No.2364 of 2005, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The learned Government Pleader for Revenue took an objection that as against the impugned order an appeal is provided to the

2nd respondent under the provisions of the Land Encroachment Act, 1905.

Without availing the efficacious remedy of appeal to the 2nd respondent against the impugned order, the petitioner directly approached this court by filing this writ petition, which is not maintainable.

Therefore, the Writ Petition is dismissed. It is needless to mention that the petitioner is at liberty to avail the remedy of appeal to the 2nd respondent against the impugned order, as provided under the provisions of the Land Encroachment Act, 1905. No order as to costs.

ELIPE DHARMA RAO,J

Dated: 04.07.2005

Dsr

ASSISTANT REGISTRAR

To:

1. The Mandal Revenue Officer,

Gangadhara, Karimnagar District

2. The Revenue Divisional Officer,

Karimnagar

3. The Collector,

Karimnagar District

4. Two CCs to the Government Pleader

for Revenue, High Court Buildings,

Hyderabad (OUT)

5. Two CD copies

*Form-NIC-OGS/WP{**TRT**}*